



**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF:

MARIA DIAZ,

Complainant,

and

HISPANIC PHYSICIANS NETWORK, INC.,

Respondent.

CHARGE: 2000 CF 2219

EEOC: 21 BA 1671

ALS NO: 11448

RECOMMENDED ORDER AND DECISION

Statement of the Case

On November 29, 2000, a three member panel of the Commission issued a default order against Respondent and sent this matter to the Administrative Law Section for a hearing on damages. This matter is before me for a hearing on damages pursuant to that Commission order. Neither party appeared, having been duly notified. This matter is ready for decision.

Findings of Fact

1. On January 23, 2001, Chief Administrative Law Judge Roma Barksdale Larson issued an order scheduling the damages hearing in this matter for February 2, 2001, at 9:30 a.m. in the Commission's Chicago office.
2. Neither party appeared, either in person or by counsel, for the scheduled hearing on damages.
3. On February 6, 2001, an order was entered giving parties ten days in which they could file any motion she/it deems appropriate to explain her/its absence and informed that if no timely motion was filed, a recommended order and

decision could issue recommending that the default or liability finding against Respondent be sustained but no damages would be recommended for Complainant.

4. On or about February 16, 2001, the Commission received a letter from Complainant explaining that she did not receive notice of the February 2, 2001 damages hearing and requesting that it be reset.
5. The damages hearing was reset to March 21, 2001 at 10:00 a.m. pursuant to an order entered on February 23, 2001.
6. On March 21, 2001, the Complainant appeared, but Respondent did not appear, having been duly notified. The damages hearing was continued to April 25, 2001 at 10:00 a.m.
7. On April 25, 2001, neither party appeared, having been duly notified.

Conclusions of Law

1. Complainant's failure to appear at scheduled damages hearings in this matter has unreasonably delayed the proceedings in this case.
2. In light of Complainant's apparent abandonment of her claim, it is appropriate to sustain the default or liability finding against Respondent and award Complainant no damages.

Discussion

Complainant, Maria Diaz, has failed to appear at all but one of the damages hearings scheduled in this cause, having been properly notified on all but one occasion. Only on that one occasion did Complainant explain her absence. Complainant's continued inaction has unreasonably delayed proceedings in this matter.

Recommendation

Based upon the foregoing, it is recommended that the default or liability finding against Respondent be sustained but no damages be awarded to the Complainant. Also, it is recommended that this case be closed with no further action being taken by the Commission.

HUMAN RIGHTS COMMISSION

BY:
WILLIAM H. HALL
ADMINISTRATIVE LAW JUDGE
ADMINISTRATIVE LAW SECTION

ENTERED: